

22 205 EV46453270545  
EXPRESS MAIL NO. \_\_\_\_\_ Approved for use thru

PTO/SB/21 (09-04)

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 <b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after initial filing)</small>		Application Number	10/820,876
		Filing Date	April 9, 2004
		First Named Inventor	Daniel Breen et al.
		Art Unit	To be assigned
		Examiner Name	To be assigned
Total Number of Pages in This Submission		Attorney Docket Number	SSB0005

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input checked="" type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> Form PTO/SB/08a; Thirteen (13) References; Check for \$130
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm	Kilpatrick Stockton LLP		
Signature			
Printed Name	John M. Harrington		
Date	February 1, 2005	Reg. No.	25,592

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Express Mail No. EV 464532705 US

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Daniel BREEN, et al.

Serial No.: 10/820,876

Group Art Unit: To Be Assigned

Filed: April 9, 2004

Examiner: To Be Assigned

For: SYSTEM AND METHOD FOR INTEGRATING A  
CONVERTIBLE SECURITY WITH A CALL SPREAD

**PETITION TO MAKE SPECIAL UNDER M.P.E.P. 708.02 (VIII)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.102<sup>1</sup> and MPEP § 708.02, Applicant, through the undersigned attorney for Applicant, respectfully petitions the Commissioner for advanced examination of this application (hereafter "Application"). Advanced examination is requested on the basis of special grounds pursuant to 37 C.F.R. § 1.102 (a) and (d) in

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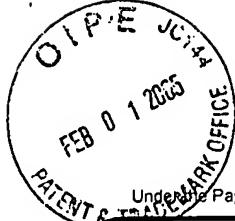
<sup>1</sup> 37 CFR 1.102 Advancement of examination.

(a) Applications will not be advanced out of turn for examination or for further action except as provided by this part, or upon order of the Commissioner to expedite the business of the Office, or upon filing of a request under paragraph (b) of this section or upon filing a petition under paragraphs (c) or (d) of this section with a showing which, in the opinion of the Commissioner, will justify so advancing it.

(b) Applications wherein the inventions are deemed of peculiar importance to some branch of the public service and the head of some department of the Government requests immediate action for that reason, may be advanced for examination.

(c) A petition to make an application special may be filed without a fee if the basis for the petition is the applicant's age or health or that the invention will materially enhance the quality of the environment or materially contribute to the development or conservation of energy resources.

(d) A petition to make an application special on grounds other than those referred to in paragraph (c) of this section must be accompanied by the fee set forth in § 1.17(h).

EXPRESS MAIL NO. EV46453270545

PTO/SB/17p (11-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FEE****Under 37 CFR 1.17(f), (g) & (h)  
TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/820,876
Filing Date	April 9, 2004
First Named Inventor	Daniel Breen et al
Art Unit	To be assigned
Examiner Name	To be assigned
Attorney Docket Number	SSB0005

Enclosed is a petition filed under 37 CFR 1.17(h) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 50-1458:  
 petition fee under 37 CFR 1.17(f), (g) or (h)  any deficiency of fees and credit of any overpayments  
Enclose a duplicative copy of this form for fee processing.

Check in the amount of \$ 130.00 is enclosed.

Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

§ 1.53(e) - to accord a filing date.  
§ 1.57(a) - to accord a filing date.  
§ 1.182 - for decision on a question not specifically provided for.  
§ 1.183 - to suspend the rules.  
§ 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.  
§ 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

§ 1.12 - for access to an assignment record.  
§ 1.14 - for access to an application.  
§ 1.47 - for filing by other than all the inventors or a person not the inventor.  
§ 1.59 - for expungement of information.  
§ 1.103(a) - to suspend action in an application.  
§ 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.  
§ 1.295 - for review of refusal to publish a statutory invention registration.  
§ 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.  
§ 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.  
§ 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.  
§ 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.  
§ 5.12 - for expedited handling of a foreign filing license.  
§ 5.15 - for changing the scope of a license.  
§ 5.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

§ 1.19(g) - to request documents in a form other than that provided in this part.  
§ 1.84 - for accepting color drawings or photographs.  
§ 1.91 - for entry of a model or exhibit.  
§ 1.102(d) - to make an application special.  
§ 1.138(c) - to expressly abandon an application to avoid publication.  
§ 1.313 - to withdraw an application from issue.  
§ 1.314 - to defer issuance of a patent.

  
SignatureJohn M. Harrington

Typed or printed name

February 1, 2005

Date

25,592

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## EXPRESS MAIL CERTIFICATE

Express Mail" mailing label number: EV 464532705 US

Date of Deposit: February 1, 2005

Type of Document(s):  
Transmittal Form;  
Petition Fee Transmittal (*in Duplicate*);  
Petition to Make Special Under MPEP 708.02 (VIII);  
Declaration of John M. Harrington;  
Form PTO/SB/08a; Information Disclosure  
Statement by Applicant;  
Thirteen (13) references;  
Check for \$130; and  
Return postcard

Serial No.: 10/820,876

Date Filed: April 9, 2004

I hereby certify that the documents identified above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Catherine A. Johnson  
Catherine A. Johnson

accordance with the procedures set forth in MPEP § 708.02 (VIII)<sup>2</sup> for a new application (one which has not received any examination by the examiner).

## 1. Accompanying material

Accompanying this petition are the following documents:

(1) A declaration from the Applicant's undersigned attorney providing: (a) a statement that all claims are directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, that Applicant will make an election without traverse as a prerequisite to the grant of special status; (b) a statement that a pre-examination search directed to the invention as claimed in this application was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc.; and (c) a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111(b) and (c), how the claimed subject matter is patentable over the references.

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<sup>2</sup>708.02 Petition To Make Special [R-2]

## VIII. SPECIAL EXAMINATION PROCEDURE FOR CERTAIN NEW APPLICATIONS—ACCELERATED EXAMINATION

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

- (A) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);
- (B) Presents all the claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
- ....
- (C) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement if the claims in the corresponding foreign application are of the same or similar scope to the claims in the U.S. application for which special status is requested;
- (D) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
- (E) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111(b) and (c), how the claimed subject matter is patentable over the references.

(2) One copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

2. Fee

Attached is a check in the amount of \$130.00 to cover the fees required in accordance with 37 C.F.R. 1.17(h). If any additional fees are required in connection with this matter, the same may be charged to our Deposit Account No. 50-1458.

Respectfully submitted,

Date: 2/1/05

By:

John M. Harrington  
John M. Harrington (Reg. No. 25,592)  
For George T. Marcou (Reg. No. 33,014)

KILPATRICK STOCKTON LLP  
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